

CLOSED,CV,PHV

**U.S. District Court
District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:04-cv-04522-PAM-JSM**

Gavin v. United States Securities and Exchange Commission
Assigned to: Senior Judge Paul A. Magnuson
Referred to: Magistrate Judge Janie S. Mayeron
Case in other court: 8th Circuit, 06-01917
Cause: 05:552 Freedom of Information Act

Date Filed: 10/18/2004
Date Terminated: 08/30/2007
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

J. Patrick Gavin

a/k/a John P. Gavin, also doing business as SEC Insight, Inc.

represented by **Rachel B Rosen**
UnitedHealthcare Group Incorporated
6300 Olson Memorial Hwy
MN010-E151
Golden Valley, MN 55427
763-797-2381
Email: rachel_b_rosen@uhc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott A Hodes

Attorney at Law
PO Box 42002
Washington, DC 20015
301-404-0502
Email: scotthodes@infoprivacylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Securities and Exchange Commission

represented by **Donna S McCaffrey**
US Securities & Exchange Commission
100 F Street NE
INACTIVE
Washington, DC 20549
202-551-5174
Fax: 202-772-9263
Email: mccaffreyd@sec.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen Cody

US Securities & Exchange Commission
450 5th St NW
INACTIVE
Washington, DC 20549-0207
202-942-0842
Fax: 202-942-9537
Email: codyk@sec.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Perry F Sekus

United States Attorney's Office
300 S 4th St Ste 600
Minneapolis, MN 55415
612-664-5600

Email: perry.sekus@usdoj.gov
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/18/2004	<u>1</u>	COMPLAINT FOR INJUNCTIVE RELIEF against United States Securities and Exchange Commission (Filing fee \$ 150 – Receipt 432963.), filed by J. Patrick Gavin. Assigned on the master list to Senior Judge Paul A Magnuson, referred to Magistrate Judge Raymond L Erickson. (Attachments: # <u>1</u> Civil Cover Sheet)(JLB) Modified on 10/19/2004 – corrected date filed (MMC). (Entered: 10/19/2004)
10/18/2004		Summons Issued as to United States Securities and Exchange Commission, U.S. Attorney and U.S. Attorney General (JLB) (Entered: 10/19/2004)
10/18/2004	<u>2</u>	MOTION for Admission Pro Hac Vice for Scott A. Hodes by J. Patrick Gavin. (MMC) (Entered: 10/19/2004)
10/18/2004		TEXT ONLY ENTRY – ORDER granting <u>2</u> Motion for Admission Pro Hac Vice of attorney Scott A Hodes for J. Patrick Gavin. Fee paid; receipt number 432964. Approved by Clerk Richard D Sletten on 10/18/04. (MMC) (Entered: 10/19/2004)
11/12/2004	<u>3</u>	SUMMONS Returned Executed by J. Patrick Gavin. United States Securities and Exchange Commission served through Assistant U.S. Attorney Thomas Heffelfinger on 10/20/2004, answer due 12/19/2004. (LJD) (Entered: 11/17/2004)
11/19/2004	<u>4</u>	MOTION for Admission Pro Hac Vice for Kathleen Cody by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 11/19/2004)
11/19/2004	<u>5</u>	MOTION for Admission Pro Hac Vice for Donna S. McCaffrey by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 11/19/2004)
11/19/2004		TEXT ONLY ENTRY – ORDER granting <u>4 5</u> Motions for Admission Pro Hac Vice of U.S. Government attorneys Kathleen Cody and Donna S McCaffrey for United States Securities and Exchange Commission. Approved by Clerk Richard D Sletten on 11/19/04. (MMC) (Entered: 11/19/2004)
11/22/2004	<u>6</u>	ANSWER to Complaint by United States Securities and Exchange Commission.(Sekus, Perry) (Entered: 11/22/2004)
11/22/2004	<u>7</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>6</u> Answer to Complaint (Sekus, Perry) (Entered: 11/22/2004)
12/01/2004	<u>8</u>	Return of Service Executed for Summons and Complaint served on General Counsel on 11/20/04., filed by J. Patrick Gavin. Summons Returned Executed already filed on 11/12/04 re <u>3</u> . (LJD) (Entered: 12/01/2004)
12/07/2004	<u>9</u>	PRETRIAL NOTICE AND ORDER Pretrial Conference set for 1/25/2004 01:45 PM in In Chambers Hearing before Magistrate Judge Raymond L Erickson. Signed by Magistrate Judge Raymond L Erickson on 12/7/04. (Attachments: # <u>1</u> Consent Form)(JLB) (Entered: 12/07/2004)
12/08/2004	<u>10</u>	NOTICE – Rule 16 Pretrial Conference on January 19, 2005 @ 10:20 a.m. before Judge Paul A. Magnuson in St. Paul. (see notice) (smr) (Entered: 12/08/2004)
12/10/2004	<u>11</u>	ORDER That the Pretrial Conference set for Tuesday, 1/25/05, is stricken from this Court's calendar. Signed by Magistrate Judge Raymond L Erickson on 12/10/04. (JLB) (Entered: 12/10/2004)
01/05/2005	<u>12</u>	REPORT of Rule 26(f) Planning Meeting by J. Patrick Gavin.(Rosen, Rachel) (Entered: 01/05/2005)
01/05/2005	<u>13</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>12</u> Report of Rule 26(f) Planning Meeting (Rosen, Rachel) (Entered: 01/05/2005)
01/19/2005	<u>14</u>	Minute Entry – Pretrial Conference held before Judge Paul A Magnuson on 1/19/2005. Pretrial schedule set. Order to be submitted.(smr) (Entered: 01/20/2005)
03/21/2005	<u>15</u>	MOTION for Summary Judgment by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)

03/21/2005	<u>16</u>	MEMORANDUM in Support re <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>17</u>	Declaration of Thomas J. Meier in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>18</u>	Declaration of Amy Wilsey Miller in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>19</u>	Declaration of Elisha Anagnostis in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>20</u>	Declaration of Matthew Baughman in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>21</u>	Declaration of William Dixon in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>22</u>	Declaration of William Finkel in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>23</u>	Declaration of David Frohlich in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>24</u>	Declaration of Toby M. Galloway in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>25</u>	Declaration of Frank Henderson in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>26</u>	Declaration of Stephen R. Herm in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>27</u>	Declaration of Janene M. Smith in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>28</u>	Declaration of Kingdon Kase in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>29</u>	Declaration of Lorraine Echavarria in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>30</u>	Declaration of Michael E. Mashburn in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>31</u>	Declaration of Anne C. McKinley in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>32</u>	Declaration of Douglas B. Paul in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)

03/21/2005	<u>33</u>	Declaration of Carl Rollins in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A–E# <u>2</u> Exhibit F–K# <u>3</u> Exhibit L–P)(Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>34</u>	Declaration of Thomas D. Silverstein in Support of <u>15</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Sekus, Perry) (Entered: 03/21/2005)
03/21/2005	<u>35</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>18</u> Declaration in Support, <u>19</u> Declaration in Support, <u>20</u> Declaration in Support, <u>21</u> Declaration in Support, <u>22</u> Declaration in Support, <u>23</u> Declaration in Support, <u>24</u> Declaration in Support, <u>25</u> Declaration in Support, <u>31</u> Declaration in Support, <u>26</u> Declaration in Support, <u>32</u> Declaration in Support, <u>27</u> Declaration in Support, <u>33</u> Declaration in Support, <u>15</u> MOTION for Summary Judgment, <u>16</u> Memorandum in Support of Motion, <u>17</u> Declaration in Support, <u>28</u> Declaration in Support, <u>34</u> Declaration in Support, <u>29</u> Declaration in Support, <u>30</u> Declaration in Support (Sekus, Perry) (Entered: 03/21/2005)
03/25/2005	<u>36</u>	NOTICE of Hearing on Motion <u>15</u> MOTION for Summary Judgment: Motion Hearing set for 7/21/2005 10:00 AM in St Paul – Courtroom 1 before Senior Judge Paul A Magnuson. (Attachments: # <u>1</u> Certificate of Service)(Sekus, Perry) (Entered: 03/25/2005)
05/06/2005	<u>37</u>	MOTION for Summary Judgment by J. Patrick Gavin. (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>38</u>	NOTICE of Hearing on Motion <u>37</u> MOTION for Summary Judgment: Motion Hearing set for 7/21/2005 10:00 AM in St Paul – Courtroom 1 before Senior Judge Paul A Magnuson. (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>39</u>	MEMORANDUM in Support re <u>37</u> MOTION for Summary Judgment filed by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit SEC Insight Report# <u>2</u> Exhibit SEC Annual FOIA Report 2000–2001# <u>3</u> Exhibit SEC Annual FOIA Report 2001–2002# <u>4</u> Exhibit SEC Annual FOIA Report 2002–2003# <u>5</u> Exhibit SEC Annual FOIA Report 2003–2004# <u>6</u> Exhibit Tier Technologies FOIA Request No.: 05–03033# <u>7</u> Exhibit Riggs National Corporation FOIA Request No.: 05–03853# <u>8</u> Exhibit eFunds Corporation FOIA Request No.: 2005–01195# <u>9</u> Exhibit Biovail Documents# <u>10</u> Exhibit Worldcom Inc. Documents# <u>11</u> Exhibit Mosaic Nutriceuticals Corporation FOIA Request No.: 05–03269)(Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>40</u>	Declaration of John P. Gavin in Support of <u>37</u> MOTION for Summary Judgment filed by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit Glomar Exhibit)(Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>41</u>	MOTION for Summary Judgment <i>in Opposition to Defendant's Motion for Summary Judgment</i> by J. Patrick Gavin. (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>42</u>	MEMORANDUM in Opposition re <u>41</u> MOTION for Summary Judgment <i>in Opposition to Defendant's Motion for Summary Judgment</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit SEC Insight Report# <u>2</u> Exhibit SEC Annual FOIA Report 2000–2001# <u>3</u> Exhibit SEC Annual FOIA Report 2001–2002# <u>4</u> Exhibit SEC Annual FOIA Report 2002–2003# <u>5</u> Exhibit SEC Annual FOIA Report 2003–2004# <u>6</u> Exhibit Tier Technologies FOIA Request No.: 05–03033# <u>7</u> Exhibit Riggs National Corporation FOIA Request No.: 05–03853# <u>8</u> Exhibit eFunds Corporation FOIA Request No.: 2005–01195# <u>9</u> Exhibit Biovail Documents# <u>10</u> Exhibit Worldcom Inc. Documents# <u>11</u> Exhibit Mosaic Nutriceuticals Corporation FOIA Request No.: 05–03269)(Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>43</u>	DECLARATION of John P. Gavin in Opposition to <u>41</u> MOTION for Summary Judgment <i>in Opposition to Defendant's Motion for Summary Judgment</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit Glomar Exhibit)(Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>44</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>37</u> MOTION for Summary Judgment, <u>38</u> Notice of Hearing on Motion, <u>39</u> Memorandum in Support of Motion,,, <u>40</u> Declaration in Support, <u>41</u> MOTION for Summary Judgment <i>in Opposition to Defendant's Motion for Summary Judgment</i> , <u>42</u> Memorandum in

		Opposition to Motion,,, <u>43</u> Declaration in Opposition (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>45</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin <i>for Proposed Order</i> (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>46</u>	MOTION for Extension of Time to File <i>Cross-Motion for Summary Judgment</i> by J. Patrick Gavin. (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>47</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin <i>Motion for Extension of Time</i> (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>48</u>	MOTION for Extension of Time to File Response/Reply <i>to Defendant's Motion for Summary Judgment</i> by J. Patrick Gavin. (Rosen, Rachel) (Entered: 05/06/2005)
05/06/2005	<u>49</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin (Rosen, Rachel) (Entered: 05/06/2005)
06/06/2005	<u>50</u>	REPLY re <u>41</u> MOTION for Summary Judgment <i>in Opposition to Defendant's Motion for Summary Judgment</i> filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit 1-2)(Sekus, Perry) (Entered: 06/06/2005)
06/06/2005	<u>51</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>50</u> Reply (Sekus, Perry) (Entered: 06/06/2005)
07/06/2005	<u>52</u>	REPLY re <u>50</u> Reply <i>Memorandum</i> filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/06/2005)
07/06/2005	<u>53</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin (Rosen, Rachel) (Entered: 07/06/2005)
08/31/2005		***TEXT ONLY***Minute Entry for proceedings held before Judge Paul A Magnuson on 8/31/2005 [Doc #15] MOTION for Summary Judgment filed by U.S. Securities and Exchange Commission, and [Doc #37] MOTION for Summary Judgment filed by J. Patrick Gavin, argued, taken under advisement. (Court Reporter Julie Rixe)(smr) (Entered: 09/01/2005)
09/29/2005		TEXT ENTRY ONLY-CLERK'S NOTICE OF REASSIGNMENT OF MAGISTRATE JUDGE. The Clerk of Court is directed to reassign the Magistrate Judge in this case. Case is reassigned to Magistrate Judge Janie S Mayeron for all further proceedings. In addition, any proceedings currently scheduled before the transferring Magistrate Judge will proceed in front of that Judge, unless directed otherwise. If you have questions regarding this assignment, please direct your inquiries to Katie Haagenon at #651-848-1190. Please note: the new case number is 04-cv-4522 PAM/JSM. Please use this case number on your pleadings. Chief Magistrate Judge Raymond L Erickson no longer assigned to case. Signed by Clerk Richard D Sletten on 9/29/05. (SJH) (Entered: 09/29/2005)
10/24/2005	<u>54</u>	ORDER: Defendant's Motion for Summary Judgment <u>15</u> is GRANTED IN PART and DENIED IN PART: Count 4 of the Complaint is DISMISSED and Count 6 is DISMISSED in part; Counts 2,3,5,6 (the 7(A) portion), 8,9,10,17,19,20 are REMANDED to the SEC for reprocessing; The SEC must submit detailed affidavits addressing the deficiencies identified by the Court by January 1, 2006: i. If appropriate, the parties may renew their motions for summary judgment and file briefs in support by February 1, 2006. ii. Opposition papers are due February 20, 2006. iii. Replies are due March 1, 2006. These renewed motions will be decided without oral argument; Plaintiff's Motions for Summary Judgment [37, 41] are DENIED. (Written Opinion). Signed by Judge Paul A. Magnuson on 10/22/05.(jmf) (Entered: 10/24/2005)
12/30/2005	<u>55</u>	MOTION for Reconsideration re <u>54</u> Order on Motion for Summary Judgment,,,,,, by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Kase Declaration# <u>2</u> Exhibit Smith Declaration# <u>3</u> Exhibit Baughman Declaration# <u>4</u> Exhibit Dixon Declaration# <u>5</u> Exhibit Mashburn Declaration# <u>6</u> Exhibit Anagnostis Declaration# <u>7</u> Exhibit Paul Declaration# <u>8</u> Exhibit Silverstein Declaration# <u>9</u> Exhibit Herm Declaration# <u>10</u> Exhibit Frohlich Declaration# <u>11</u> Exhibit Finkel Declaration# <u>12</u> Exhibit Galloway Declaration)(McCaffrey, Donna) (Entered: 12/30/2005)

01/17/2006	<u>56</u>	TRANSCRIPT of Motion Hearing held on 8/31/05 before Senior Judge Paul A. Magnuson. Court Reporter: Julie A. Rixe. (50pgs) FILED CONVENTIONALLY. (akl) (Entered: 01/23/2006)
01/26/2006	<u>57</u>	ORDER: SEC's Motion for Partial Reconsideration <u>55</u> is DENIED. (Written Opinion). Signed by Judge Paul A. Magnuson on 01/25/06. (jmf) (Entered: 01/26/2006)
01/31/2006	<u>58</u>	**DOCUMENT REMOVED – FILED IN ERROR – WILL REFILE** Modified on 1/31/2006 (JLB). (Entered: 01/31/2006)
01/31/2006	<u>59</u>	ORDER – this matter is before the Court on Pltf's informal request to extend filing deadlines. The Court finds the request is reasonable. IT IS HEREBY ORDERED that the deadlines are extended as set forth in this order. The renewed motions will be decided without oral argument. Signed by Judge Paul A Magnuson on January 30, 2006. (smr) (Entered: 01/31/2006)
03/14/2006	<u>60</u>	MOTION for Leave to Appeal <i>and for Stay</i> by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Bresnan Declaration# <u>2</u> Exhibit Henderson Declaration)(McCaffrey, Donna) (Entered: 03/14/2006)
03/15/2006	<u>61</u>	ORDER denying <u>60</u> MOTION for Leave to Appeal and for Stay filed by United States Securities and Exchange Commission, (Written Opinion). Signed by Judge Paul A. Magnuson on 03/15/06. (jmf) (Entered: 03/15/2006)
03/17/2006	<u>62</u>	MOTION Clarification by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 03/17/2006)
03/24/2006	<u>63</u>	NOTICE OF APPEAL TO 8TH CIRCUIT by United States Securities and Exchange Commission. (Attachments: # <u>1</u> COA – Form A Appeal Information Form)(McCaffrey, Donna) (Entered: 03/24/2006)
03/27/2006	<u>64</u>	Transmittal LETTER to the Eighth Circuit Court of Appeals re: <u>63</u> Notice of Appeal. (Attachments: # <u>1</u> Notice of Appeal cc: Rachel Rosen, Scott Hodes, Donna McCaffrey, Kathleen Cody, Perry Sekus)(JMH) (Entered: 03/27/2006)
03/27/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>63</u> Notice of Appeal to 8th Circuit. Delivered/mailed two certified and one uncertified copy of each of the following to the Court of Appeals: St. Paul Office: Notice of Appeal, Order, Judgment and District Court's Docket Sheet. (JMH) (Entered: 03/27/2006)
03/27/2006	<u>65</u>	MOTION Deny Request for Review Costs by J. Patrick Gavin. (Rosen, Rachel) (Entered: 03/27/2006)
03/27/2006	<u>66</u>	MEMORANDUM by J. Patrick Gavin <i>Plaintiff's Reply Memorandum</i> filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 03/27/2006)
03/27/2006	<u>67</u>	DECLARATION of Rachel B. Rosen in Opposition to <u>62</u> MOTION Clarification filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 03/27/2006)
03/27/2006	<u>68</u>	DECLARATION of Lavena Wilhelm in Opposition to <u>62</u> MOTION Clarification filed by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit(s) A)(Rosen, Rachel) (Entered: 03/27/2006)
03/27/2006	<u>69</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>66</u> Memorandum, <u>67</u> Declaration in Opposition, <u>68</u> Declaration in Opposition, <u>65</u> MOTION Deny Request for Review Costs (Rosen, Rachel) (Entered: 03/27/2006)
03/30/2006	<u>70</u>	Case received by the Eighth Circuit re <u>63</u> Notice of Appeal to 8th Circuit. (JMH) (Entered: 03/30/2006)
04/04/2006	<u>71</u>	REPLY re <u>65</u> MOTION Deny Request for Review Costs filed by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 04/04/2006)
04/05/2006	<u>72</u>	NOTICE of Change of Address by Rachel B Rosen (Rosen, Rachel) (Entered: 04/05/2006)
04/05/2006	<u>73</u>	USCA Case Number 06–1917 for <u>63</u> Notice of Appeal to 8th Circuit filed by United States Securities and Exchange Commission. (JLB) (Entered: 04/06/2006)

05/16/2006	<u>74</u>	MOTION to Stay by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 05/16/2006)
05/22/2006	<u>75</u>	RESPONSE in Opposition re <u>74</u> MOTION to Stay filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 05/22/2006)
05/22/2006	<u>76</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>75</u> Response in Opposition to Motion (Rosen, Rachel) (Entered: 05/22/2006)
05/25/2006	<u>77</u>	REPLY re <u>74</u> MOTION to Stay, <u>75</u> Response in Opposition to Motion filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit(s) Cover sheet for Exh. A# <u>2</u> Exhibit(s) Exh. A)(McCaffrey, Donna) (Entered: 05/25/2006)
06/14/2006	<u>78</u>	MOTION to Extend <i>Time to Renew Motion for Summary Judgment</i> by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 06/14/2006)
06/20/2006	<u>79</u>	ORDER: Defendant's Motion for Clarification <u>62</u> is DENIED; Defendant's Motion to Stay <u>74</u> is DENIED; Defendant's Motion to Extend Time to Renew Motion for Summary Judgment <u>78</u> is GRANTED; The parties shall file their renewed summary judgment motions in compliance with Local Rule 7.1 by July 7, 2006. (Written Opinion). Signed by Judge Paul A. Magnuson on 06/20/06. (jmf) (Entered: 06/20/2006)
07/07/2006	<u>80</u>	MOTION Renewed Summary Judgment by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>81</u>	NOTICE by J. Patrick Gavin re <u>80</u> MOTION Renewed Summary Judgment (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>82</u>	MEMORANDUM in Support re <u>80</u> MOTION Renewed Summary Judgment <i>In Camera Review and Appointment of a Special Master</i> filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>83</u>	LR7.1 WORD COUNT COMPLIANCE CERTIFICATE by J. Patrick Gavin re <u>82</u> Memorandum in Support of Motion filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>84</u>	Exhibit List by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>85</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit A</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>86</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit B</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>87</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit C</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>88</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit D</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>89</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit E</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>90</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit F</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>91</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit G</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>92</u>	EXHIBIT re <u>82</u> Memorandum in Support of Motion <i>Exhibit H</i> by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 07/07/2006)
07/07/2006	<u>93</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>83</u> LR7.1 Word Count Compliance Certificate, <u>84</u> Exhibit List, <u>89</u> Exhibit, <u>91</u> Exhibit, <u>82</u> Memorandum in Support of Motion, <u>80</u> MOTION Renewed Summary Judgment, <u>81</u> Notice (Other), <u>86</u> Exhibit, <u>88</u> Exhibit, <u>87</u> Exhibit, <u>85</u> Exhibit, <u>92</u> Exhibit, <u>90</u> Exhibit (Rosen, Rachel) (Entered: 07/07/2006)

07/07/2006	<u>94</u>	MOTION for Summary Judgment by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 07/07/2006)
07/07/2006	<u>95</u>	DOCUMENT FILED IN ERROR- WRONG COURT ADDRESS USED//NOTICE OF HEARING ON MOTION <u>94</u> MOTION for Summary Judgment: (McCaffrey, Donna) Modified on 7/10/2006 (LPH). (Entered: 07/07/2006)
07/07/2006	<u>96</u>	MOTION for Summary Judgment <i>Memorandum of Law</i> by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 07/07/2006)
07/07/2006	<u>97</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission <i>of Notice; Renewed Motion for Summary Judgment and/or Motion to Dismiss; and Supporting Memorandum of Law (incl. Cert. of Compliance with Word Count)</i> (McCaffrey, Donna) (Entered: 07/07/2006)
07/10/2006	<u>98</u>	NOTICE by United States Securities and Exchange Commission re <u>96</u> MOTION for Summary Judgment <i>Memorandum of Law</i> , <u>95</u> Notice of Hearing on Motion, <u>94</u> MOTION for Summary Judgment <i>Corrected</i> (McCaffrey, Donna) (Entered: 07/10/2006)
07/10/2006	<u>99</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>98</u> Notice (Other) <i>Corrected Notice of Renewed Motion for Summary Judgment and/or Motion to Dismiss</i> (McCaffrey, Donna) (Entered: 07/10/2006)
07/27/2006	<u>100</u>	MEMORANDUM in Opposition re <u>94</u> MOTION for Summary Judgment <i>and/or Motion to Dismiss</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> Certificate of Compliance with LR 37.1 Plaintiff's Certificate of Compliance)(Rosen, Rachel) (Entered: 07/27/2006)
07/27/2006	<u>101</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>100</u> Memorandum in Opposition to Motion (Rosen, Rachel) (Entered: 07/27/2006)
07/27/2006	<u>102</u>	MEMORANDUM in Opposition re <u>80</u> MOTION Renewed Summary Judgment filed by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 07/27/2006)
07/27/2006	<u>103</u>	Declaration of Celia Winter in Support of <u>102</u> Memorandum in Opposition to Motion filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u> # <u>18</u> # <u>19</u> # <u>20</u> # <u>21</u> # <u>22</u> # <u>23</u> # <u>24</u> # <u>25</u> # <u>26</u> # <u>27</u> # <u>28</u> # <u>29</u> # <u>30</u> # <u>31</u> # <u>32</u> # <u>33</u> # <u>34</u> # <u>35</u> # <u>36</u> # <u>37</u> # <u>38</u> # <u>39</u> # <u>40</u> # <u>41</u> # <u>42</u> # <u>43</u> # <u>44</u> # <u>45</u> # <u>46</u> # <u>47</u> # <u>48</u>)(McCaffrey, Donna) (Entered: 07/27/2006)
07/27/2006	<u>104</u>	Exhibit List to Defendant's Memorandum of Law in Opposition to Plaintiff's Renewed Motion for Summary Judgment by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 07/27/2006)
07/27/2006	<u>105</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission (McCaffrey, Donna) (Entered: 07/27/2006)
08/01/2006	<u>106</u>	USCA JUDGMENT as to <u>63</u> Notice of Appeal to 8th Circuit filed by United States Securities and Exchange Commission; the appeal is dismissed. (LPH) (Entered: 08/02/2006)
08/07/2006	<u>107</u>	REPLY re <u>96</u> MOTION for Summary Judgment <i>Memorandum of Law</i> , <u>94</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit(s) Gresnez Declaration# <u>2</u> Exhibit(s) Henderson Declaration)(McCaffrey, Donna) (Entered: 08/07/2006)
08/07/2006	<u>108</u>	Exhibit List for Reply Memorandum of Law In Support of Renewed Motion for Summary Judgment and/or Motion to Dismiss by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 08/07/2006)
08/07/2006	<u>109</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>108</u> Exhibit List, <u>107</u> Reply, (McCaffrey, Donna) (Entered: 08/07/2006)

08/07/2006	<u>110</u>	DOCUMENT FILED IN ERROR– DUPLICATE ENTRY//Exhibit List <i>for Reply Memorandum of Law in Support of Renewed Motion for Summary Judgment and/or Motion to Dismiss</i> by United States Securities and Exchange Commission. (McCaffrey, Donna) Modified on 8/16/2006 (lph). (Entered: 08/07/2006)
08/08/2006	<u>111</u>	REPLY re <u>102</u> Memorandum in Opposition to Motion <i>for Renewed Summary Judgment</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> Certificate of Compliance with LR 37.1)(Rosen, Rachel) (Entered: 08/08/2006)
08/08/2006	<u>112</u>	Second Declaration of John P. Gavin in Support of <u>111</u> Reply filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 08/08/2006)
08/08/2006	<u>113</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin <i>re:Reply Memorandum</i> (Rosen, Rachel) (Entered: 08/08/2006)
08/08/2006	<u>114</u>	MOTION for Sanctions <i>and Attorney's Fees</i> by J. Patrick Gavin. (Rosen, Rachel) (Entered: 08/08/2006)
08/08/2006	<u>115</u>	NOTICE by J. Patrick Gavin re <u>114</u> MOTION for Sanctions <i>and Attorney's Fees</i> (Rosen, Rachel) (Entered: 08/08/2006)
08/08/2006	<u>116</u>	MEMORANDUM in Support re <u>114</u> MOTION for Sanctions <i>and Attorney's Fees</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Rosen, Rachel) (Entered: 08/08/2006)
08/08/2006	<u>117</u>	Declaration of Rachel B. Rosen in Support of <u>116</u> Memorandum in Support of Motion filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 08/08/2006)
08/08/2006	<u>118</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>117</u> Declaration in Support, <u>114</u> MOTION for Sanctions <i>and Attorney's Fees</i> , <u>115</u> Notice (Other), <u>116</u> Memorandum in Support of Motion (Rosen, Rachel) (Entered: 08/08/2006)
08/21/2006	<u>119</u>	Certified Copy of USCA JUDGMENT as to <u>63</u> Notice of Appeal to 8th Circuit filed by United States Securities and Exchange Commission. The motion of appellee for dismissal of this appeal is granted. The appeal is hereby dismissed. (akl) (Entered: 08/21/2006)
08/23/2006	<u>120</u>	MEMORANDUM in Opposition re <u>114</u> MOTION for Sanctions <i>and Attorney's Fees (Including Certificate of Compliance with word count)</i> filed by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 08/23/2006)
08/23/2006	<u>121</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>120</u> Memorandum in Opposition to Motion <i>for Sanctions and Attorney's Fees</i> (McCaffrey, Donna) (Entered: 08/23/2006)
08/28/2006	<u>122</u>	REPLY to Response to Motion re <u>114</u> MOTION for Sanctions <i>and Attorney's Fees</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Rosen, Rachel) (Entered: 08/28/2006)
08/28/2006	<u>123</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>122</u> Reply to Response to Motion (Rosen, Rachel) (Entered: 08/28/2006)
10/16/2006	<u>124</u>	ORDER: Gavin's Motion to Deny Request for Review Costs (Docket No. 65) is DENIED; Gavin's renewed Motion for Summary Judgment, In Camera Review, and Appointment of a Special Master (Docket No. 80) is DENIED; The SEC's renewed Motion for Summary Judgment (Docket No. 94) is GRANTED in part and DENIED in part; Counts 1, 7, 13, and 22 of the Complaint are DISMISSED with prejudice; The parties shall confer within thirty days of this Order to determine whether Gavin is willing and able to pay for the review costs associated with his requests identified in Counts 11, 14, 15, 23, and 26. If Gavin agrees to pay the review costs associated with the defined requests, the SEC shall conduct the document-by-document reviews within ninety days of receipt of his payment; and, SEC shall file a Vaughn index relating to the remanded requests (Counts 2, 3, 5, 6, 8, 9, 10, 12, 16, 17, 18, 19, 20, 21, 24, and 25) within thirty days of this Order. (Written Opinion). Signed by Judge Paul A. Magnuson on 10/13/06.(jmf) (Entered: 10/16/2006)
11/15/2006	<u>125</u>	United States Securities and Exchange Commission <i>of Filing Vaughn Index Part 1</i> (McCaffrey, Donna) Modified text on 11/16/2006 (jc). (Entered: 11/15/2006)

11/15/2006	<u>126</u>	United States Securities and Exchange Commission re <u>125</u> Notice (Other) of <i>Filing Vaughn Index Part 2</i> (McCaffrey, Donna) Modified text on 11/16/2006 (jc). (Entered: 11/15/2006)
11/15/2006	<u>127</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>126</u> Notice (Other), <u>125</u> Notice (Other) (McCaffrey, Donna) (Entered: 11/15/2006)
04/02/2007	<u>128</u>	NOTICE by United States Securities and Exchange Commission re <u>124</u> Order on Motion for Miscellaneous Relief,, Order on Motion for Summary Judgment, (McCaffrey, Donna) Modified on 4/3/2007 (jam). (Entered: 04/02/2007)
04/02/2007	<u>129</u>	EXHIBIT re <u>128</u> Notice (Other) of <i>Compliance with Order</i> by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Ex. A Herm Declaration# <u>2</u> Ex. B Finkel Declaration# <u>3</u> Ex. C Silverstein Declaration# <u>4</u> Ex. D Galloway Declaration# <u>5</u> Ex. E Gresenz Declaration)(McCaffrey, Donna) (Entered: 04/02/2007)
04/02/2007	<u>130</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>128</u> Notice (Other), <u>129</u> Exhibit, (McCaffrey, Donna) (Entered: 04/02/2007)
04/30/2007	<u>131</u>	ORDER:The parties shall file their renewed summary judgment motions, as well as all supporting memoranda and evidence, by June 5, 2007; Opposition memoranda are due July 17, 2007; and Reply memoranda are due August 1, 2007. The renewed motions will be decided without oral argument. (Written Opinion). Signed by Judge Paul A. Magnuson on 04/30/07. (jmf) (Entered: 04/30/2007)
06/05/2007	<u>132</u>	MOTION for Summary Judgment <i>Second Renewed</i> by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit)(Rosen, Rachel) Modified on 6/6/2007 (jam). (Entered: 06/05/2007)
06/05/2007	<u>133</u>	NOTICE by J. Patrick Gavin re <u>132</u> MOTION for Summary Judgment <i>Second Renewed</i> (Rosen, Rachel) (Entered: 06/05/2007)
06/05/2007	<u>134</u>	MEMORANDUM in Support re <u>132</u> MOTION for Summary Judgment <i>Second Renewed</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> Word Count Compliance)(Rosen, Rachel) Modified on 6/6/2007 (jam). (Entered: 06/05/2007)
06/05/2007	<u>135</u>	MOTION for Sanctions <i>Renewed</i> by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit)(Rosen, Rachel) Modified on 6/6/2007 (jam). (Entered: 06/05/2007)
06/05/2007	<u>136</u>	NOTICE by J. Patrick Gavin re <u>135</u> MOTION for Sanctions <i>Renewed</i> (Rosen, Rachel) (Entered: 06/05/2007)
06/05/2007	<u>137</u>	MEMORANDUM in Support re <u>135</u> MOTION for Sanctions <i>Renewed</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Rosen, Rachel) (Entered: 06/05/2007)
06/05/2007	<u>138</u>	EXHIBIT re <u>137</u> Memorandum in Support of Motion, <u>134</u> Memorandum in Support of Motion by J. Patrick Gavin filed by J. Patrick Gavin. (Rosen, Rachel) (Entered: 06/05/2007)
06/05/2007	<u>139</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>134</u> Memorandum in Support of Motion, <u>132</u> MOTION for Summary Judgment <i>Second Renewed</i> , <u>133</u> Notice (Other), <u>138</u> Exhibit (Rosen, Rachel) (Entered: 06/05/2007)
06/05/2007	<u>140</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>136</u> Notice (Other), <u>137</u> Memorandum in Support of Motion, <u>138</u> Exhibit, <u>135</u> MOTION for Sanctions <i>Renewed</i> (Rosen, Rachel) (Entered: 06/05/2007)
06/05/2007	<u>141</u>	DOCUMENT FILED IN ERROR – MOTION for Summary Judgment by United States Securities and Exchange Commission. (McCaffrey, Donna) Modified on 6/5/2007 (LJG). (Entered: 06/05/2007)
06/05/2007	<u>142</u>	DOCUMENT FILED IN ERROR – NOTICE by United States Securities and Exchange Commission re <u>141</u> MOTION for Summary Judgment <i>Notice of Motion</i>

		(McCaffrey, Donna) Modified on 6/5/2007 (LJG). (Entered: 06/05/2007)
06/05/2007	<u>143</u>	DOCUMENT FILED IN ERROR – MEMORANDUM by United States Securities and Exchange Commission re <u>141</u> MOTION for Summary Judgment filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u>)(McCaffrey, Donna) Modified on 6/5/2007 (LJG). (Entered: 06/05/2007)
06/05/2007	<u>144</u>	DOCUMENT FILED IN ERROR – EXHIBIT re <u>143</u> Memorandum <i>Exh. 8 Pentagon Federal Slip. op</i> by United States Securities and Exchange Commission filed by United States Securities and Exchange Commission. (McCaffrey, Donna) Modified on 6/5/2007 (LJG). (Entered: 06/05/2007)
06/05/2007	<u>145</u>	DOCUMENT FILED IN ERROR – EXHIBIT re <u>143</u> Memorandum by United States Securities and Exchange Commission filed by United States Securities and Exchange Commission. (McCaffrey, Donna) Modified on 6/5/2007 (LJG). (Entered: 06/05/2007)
06/05/2007	<u>146</u>	DOCUMENT FILED IN ERROR – CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>141</u> MOTION for Summary Judgment, <u>144</u> Exhibit, <u>142</u> Notice (Other), <u>145</u> Exhibit, <u>143</u> Memorandum (McCaffrey, Donna) Modified on 6/5/2007 (LJG). (Entered: 06/05/2007)
06/05/2007	<u>147</u>	MOTION for Summary Judgment <i>Renewed</i> by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 06/05/2007)
06/05/2007	<u>148</u>	NOTICE OF HEARING ON MOTION <u>147</u> MOTION for Summary Judgment <i>Renewed</i> : (McCaffrey, Donna) (Entered: 06/05/2007)
06/05/2007	<u>149</u>	MEMORANDUM in Support re <u>147</u> MOTION for Summary Judgment <i>Renewed</i> filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(McCaffrey, Donna) (Entered: 06/05/2007)
06/05/2007	<u>150</u>	Exhibit Index in Support of <u>149</u> Memorandum in Support of Motion filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit 1–Declaration of Celia Winter# <u>2</u> Exhibit A–To Winter Declaration# <u>3</u> Exhibit 2–Declaration of Kenneth H. Hall# <u>4</u> Exhibit 3–Declaration of Charles Davis# <u>5</u> Exhibit 4–Declaration of Judith A. Brygil# <u>6</u> Exhibit 5–Declaration of Steven F. Coleman# <u>7</u> Exhibit 6–Declaration of Lawrence Centola, Jr.# <u>8</u> Exhibit 7–LaRouche Slip Op. pt1# <u>9</u> Exhibit 7–LaRouche Slip Op. pt 2# <u>10</u> Exhibit 7–LaRouche Slip Op. pt 3# <u>11</u> Exhibit 7–LaRouche Slip Op. pt 4# <u>12</u> Exhibit 8–Pentagon Federal Slip Op.)(McCaffrey, Donna) Modified on 6/5/2007 (LJG). (Entered: 06/05/2007)
06/05/2007	<u>151</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>150</u> Declaration in Support,,, <u>149</u> Memorandum in Support of Motion, <u>147</u> MOTION for Summary Judgment <i>Renewed</i> , <u>148</u> Notice of Hearing on Motion (McCaffrey, Donna) (Entered: 06/05/2007)
07/17/2007	<u>152</u>	MEMORANDUM in Opposition re <u>132</u> MOTION for Summary Judgment <i>Second Renewed</i> filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(McCaffrey, Donna) (Entered: 07/17/2007)
07/17/2007	<u>153</u>	DECLARATION of Donna S. McCaffrey in Opposition to <u>135</u> MOTION for Sanctions <i>Renewed</i> , <u>132</u> MOTION for Summary Judgment <i>Second Renewed</i> , <u>152</u> Memorandum in Opposition to Motion filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Index # <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4# <u>6</u> Exhibit 5# <u>7</u> Exhibit 6# <u>8</u> Exhibit 7# <u>9</u> Exhibit 8# <u>10</u> Exhibit 9# <u>11</u> Exhibit 10# <u>12</u> Exhibit 11# <u>13</u> Exhibit 12# <u>14</u> Exhibit 13# <u>15</u> Exhibit 14# <u>16</u> Exhibit 15)(McCaffrey, Donna) Modified on 7/18/2007 (gjs). (Entered: 07/17/2007)
07/17/2007	<u>154</u>	DECLARATION of Celia Winter in Opposition to <u>132</u> MOTION for Summary Judgment <i>Second Renewed</i> , <u>152</u> Memorandum in Opposition to Motion, <u>135</u> MOTION for Sanctions <i>Renewed</i> filed by United States Securities and Exchange Commission. (Attachments: # (1 Exhibit Index) # <u>2</u> Exhibits 1 and 2)(McCaffrey,

		Donna) Modified on 7/18/2007 (gjs). (Entered: 07/17/2007)
07/17/2007	<u>155</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission (McCaffrey, Donna) (Entered: 07/17/2007)
07/17/2007	<u>156</u>	MEMORANDUM in Opposition re <u>135</u> MOTION for Sanctions <i>Renewed</i> filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(McCaffrey, Donna) (Entered: 07/17/2007)
07/17/2007	<u>157</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>156</u> Memorandum in Opposition to Motion (McCaffrey, Donna) (Entered: 07/17/2007)
07/17/2007	<u>158</u>	MEMORANDUM in Opposition re <u>147</u> MOTION for Summary Judgment <i>Renewed</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Rosen, Rachel) (Entered: 07/17/2007)
07/17/2007	<u>159</u>	EXHIBIT re <u>158</u> Memorandum in Opposition to Motion by J. Patrick Gavin filed by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit 1A) # <u>2</u> Exhibit 1B # <u>3</u> Exhibit 2 # <u>4</u> Exhibit3 # <u>5</u> Exhibit 4 # <u>6</u> Exhibit 5))(Rosen, Rachel) Modified text on 7/18/2007 (gjs). (Entered: 07/17/2007)
07/17/2007	<u>160</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>159</u> Exhibit, <u>158</u> Memorandum in Opposition to Motion (Rosen, Rachel) (Entered: 07/17/2007)
08/01/2007	<u>161</u>	REPLY to Response to re <u>147</u> MOTION for Summary Judgment <i>Renewed</i> filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(McCaffrey, Donna) Modified title on 8/2/2007 (gjs). (Entered: 08/01/2007)
08/01/2007	<u>162</u>	Declaration of Celia Winter in Support of <u>161</u> Reply to Response to Motion filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Index# <u>2</u> Exhibits 1, 2, 3)(McCaffrey, Donna) Modified text on 8/2/2007 (gjs). (Entered: 08/01/2007)
08/01/2007	<u>163</u>	Declaration of Bryan J. Farrell in Support of <u>161</u> Reply filed by United States Securities and Exchange Commission. (McCaffrey, Donna) (Entered: 08/01/2007)
08/01/2007	<u>164</u>	CERTIFICATE OF SERVICE by United States Securities and Exchange Commission re <u>162</u> Declaration in Support, <u>161</u> Reply, <u>163</u> Declaration in Support (McCaffrey, Donna) (Entered: 08/01/2007)
08/01/2007	<u>165</u>	REPLY to Response to Motion re <u>132</u> MOTION for Summary Judgment <i>Second Renewed</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Rosen, Rachel) Modified link and text on 8/1/2007 (akl). (Entered: 08/01/2007)
08/01/2007	<u>166</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>165</u> Reply to Response to Motion for Summary Judgment <i>Second Renewed</i> (Rosen, Rachel) Modified text on 8/1/2007 (akl). (Entered: 08/01/2007)
08/01/2007	<u>167</u>	REPLY to Response to Motion re <u>135</u> MOTION for Sanctions <i>Renewed</i> filed by J. Patrick Gavin. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Rosen, Rachel) (Entered: 08/01/2007)
08/01/2007	<u>168</u>	EXHIBIT re <u>167</u> Reply to Response to Motion <i>Sanctions Renewed</i> by J. Patrick Gavin. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B)(Rosen, Rachel) Modified text of attachments on 8/2/2007 (gjs) (Entered: 08/01/2007)
08/01/2007	<u>169</u>	CERTIFICATE OF SERVICE by J. Patrick Gavin re <u>167</u> Reply to Response to Motion, <u>168</u> Exhibit <i>Sanctions Renewed</i> (Rosen, Rachel) (Entered: 08/01/2007)
08/23/2007	<u>170</u>	ORDER denying <u>132</u> Motion for Summary Judgment, denying <u>135</u> Motion for Sanctions, granting <u>147</u> Motion for Summary Judgment (Written Opinion). Signed by Judge Paul A. Magnuson on 08/23/07. (jmf) (Entered: 08/23/2007)
08/30/2007	<u>171</u>	JUDGMENT in favor of United States Securities and Exchange Commission against J. Patrick Gavin. (Attachments: # <u>1</u> Civil Notice# <u>2</u> 8th Circuit Notice)(GJS) (Entered: 08/30/2007)